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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,113	02/27/2004	Shinetsu Fujieda	249507US0TTCRD	5083
22850	7590	06/13/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SELLERS, ROBERT E	
			ART UNIT 1712	PAPER NUMBER
			NOTIFICATION DATE 06/13/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/787,113	Applicant(s) FUJIEDA ET AL.	
	Examiner Robert Sellers	Art Unit 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9, 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 9, 11 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to non-elected species of the disposition of the epoxy resin, there being no allowable generic or linking claim. The election was made **without** traverse in the response filed September 28, 2006.

The 35 U.S.C. 112, second paragraph rejection has been resolved by the deletion of the term "type" used to characterize the zirconium compound in claims 4 and 7.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed.

1. There is no support on pages 1-3 describing lithium ion batteries and page 19, lines 11 and 17 disclosing a nonaqueous solvent battery for the newly claimed "secondary" battery.

The text of sections 112 and 103(a) of Title 35, U.S. Code not included in this action can be found in the non-Final rejection mailed November 14, 2006.

Claims 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. The meaning of the term "secondary battery" is unknown since there is no denotation thereof in the specification.

Claims 1-8, 10 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clayton Patent No. 6,049,975; Goldner et al. Patent No. 6,982,132 and Japanese Patent No. 2001-2757 in view of Murai et al. Patent No. 6,437,090 and Japanese Patent Nos. 58-187425 (Japanese '425) and 62-74919 (Japanese '919).

The rejection is maintained for the reasons of record set forth in the non-Final rejection. The arguments filed May 14, 2007 have been considered but are unpersuasive.

3. It has been conceded that the primary references do not recite the claimed latent catalyst, butyral resin and inorganic filler. Murai et al. and Japanese '425 and '919 are relied upon to teach the incorporation of such components in order to enhance the gel time, storage stability, bending strength and volume resistance (Murai et al., col. 62, Table 4, Example I-24 and cols. 69-70; and Table 9, Examples II-1, II-2 and II-3) and to improve the storage stability (Japanese '425) and control the curing time.

4. The claims do not require the prevention of deterioration of the electronic device by electrolytic leakage from the battery.

5. According to MPEP § 2144, "Rationale Different from Applicant's is Permissible," "[t]he reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant." *In re Linter*, 173 USPQ 560, CCPA 1972; *In re Dillon*, 16 USPQ 2d 1897, Federal Circuit 1990.(Japanese '919).

6. The reasons for employing the 4,4'-dihydroxydiphenylsulfone, organozirconium compound an, butyral resin and inorganic filler of Murai et al. or the mixture of phenol compound and organoaluminum or zirconium tetraacetylacetonate of Japanese '425 and '919 are different but still relevant to the encapsulants of the primary references. Therefore, the basis for the 35 U.S.C. 103(a) rejection is proper under the case law cited hereinabove.

7. Japanese '919 is within the realm of the primary refernces due to its disclosure of an epoxy resin and bisphenol S cured in the presence of zirconium tetraacetylacetonate (CAPLUS abstract) utilized as an electrical insulation material (Derwent abstract).

The amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Robert Sellers/

Robert Sellers
Primary Examiner
Art Unit 1712

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6/7/2007